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5 Attorneys for Defendants,
6 Landforce Corporation and
Albert Leon Harris, Jr.
7

8 **UNITED STATES DISTRICT COURT**
9 **DISTRICT OF NEVADA**

10 ROBERT BARCELON, an individual,

Case No.: 2:18-cv-01493-GMN-CWH

11
12 Plaintiff,

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14 vs.
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17 LANDFORCE CORPORATION
individually; ALBERT LEON HARRIS,
18 individually; DOES I-X; and ROES
CORPORATIONS I-X, inclusive,
19

20 Defendants.
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23 **STIPULATION TO AMEND ANSWER**
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25 COME NOW Plaintiff Robert Barcelon, by and through his counsel of record
26 Ross Moynihan of Leslie Stovall, Esq. of Stovall & Associates and Defendant Albert
27 Leon Harris by and through his counsel of record Michael C. Mills, Esq. of the law firm
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STIPULATION TO AMEND ANSWER

- PAGE 1 OF 2 -

1 of Bauman Loewe Witt & Maxwell, and hereby agree and stipulate that Defendant
2 Harris may file an Amended Answer to Plaintiff's Complaint.

3 DATED this 26th day of April 2019

DATED this 26th day of April 2019

4 STOVALL AND ASSOCIATES

BAUMAN LOEWE WITT & MAXWELL, PLLC

5 /s/ Ross Moynihan

/s/ Michael C. Mills

7
8 LESLIE MARK STOVALL, ESQ.
Nevada Bar No. 2566
9 ROSS MOYNIHAN, ESQ.
Nevada Bar No. 11848
2301 Palomino Lane
10 Las Vegas, Nevada, 89102

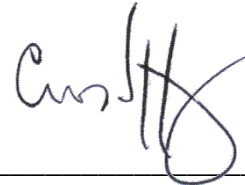
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11 Attorneys for Plaintiff,
Robert Barcelon

Attorneys for Defendants,
Landforce Corporation

14 IT IS ORDERED that the parties' stipulation to amend answer (ECF No. 32)
15 is GRANTED. IT IS FURTHER ORDERED that defendant's motion for
leave to amend answer (ECF No. 30) is DENIED as moot.

16 DATED: April 30, 2019

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United States Magistrate Judge

EXHIBIT “A”

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12 Plaintiff,
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Case No.: 2:18-cv-01493-GMN-CWH

14 LANDFORCE CORPORATION
individually; ALBERT LEON HARRIS,
15 individually; DOES I-X; and ROES
CORPORATIONS I-X, inclusive,
16 Defendants.
17

18 **[PROPOSED] AMENDED ANSWER**
19 **PLAINTIFFS COMPLAINT**
20 **AND**
(JURY REQUEST)

21 COMES NOW Defendant Albert Leon Harris, by and through his counsel of
22 record, Michael C. Mills, Esq. of the law firm of Bauman Loewe Witt & Maxwell, PLLC.,
23 and hereby demands that all issues be presented to a jury, and admits, denies and
24 otherwise files his Amended Answer to Plaintiff's Complaint as follows:

25 **PARTIES**

26 1. Answering Paragraph 1 of Plaintiff's Complaint, this answering Defendant
27 Albert Leon Harris is without sufficient information upon which to base a belief as to the
28 truth or falsity of the allegations contained therein and upon said ground denies the

1 same.

2 2. Answering Paragraph 2 of Plaintiff's Complaint, this answering Defendant
3 Albert Leon Harris admits the allegations of this paragraph.

4 3. Answering Paragraph 3 of Plaintiff's Complaint, this answering Defendant
5 Albert Leon Harris admits the allegations of this paragraph.

6 4. Answering Paragraph 4 of Plaintiff's Complaint, this answering Defendant
7 Albert Leon Harris denies the allegations of this paragraph.

8 5. Answering Paragraph 5 of Plaintiff's Complaint, this answering Defendant
9 Albert Leon Harris denies the allegations of this paragraph.

10 **JURISDICTION**

11 6. Answering Paragraph 6 of Plaintiff's Complaint, this answering Defendant
12 Albert Leon Harris admits the allegations of this paragraph.

13 7. Answering Paragraph 7 of Plaintiff's Complaint, this answering Defendant
14 Albert Leon Harris admits proper venue is Nevada. This answering Defendant Albert
15 Leon Harris denies the remainder of the allegations of this paragraph.

16 **STATEMENT OF FACTS**

17 8. Answering Paragraph 8 of Plaintiff's Complaint, this answering Defendant
18 Albert Leon Harris is without sufficient information upon which to base a belief as to the
19 truth or falsity of the allegations contained therein and upon said ground denies same.

20 9. Answering Paragraph 9 of Plaintiff's Complaint, this answering Defendant
21 Albert Leon Harris denies the allegations of this paragraph.

22 10. Answering Paragraph 10 of Plaintiff's Complaint, this answering
23 Defendant Albert Leon Harris denies the allegations of this paragraph.

24 11. Answering Paragraph 11 of Plaintiff's Complaint, this answering
25 Defendant Albert Leon Harris admits the allegations of this paragraph.

26 12. Answering Paragraph 12 of Plaintiff's Complaint, this answering
27 Defendant Albert Leon Harris admits the allegations of this paragraph.

28 13. Answering Paragraph 13 of Plaintiff's Complaint, this answering

1 Defendant Albert Leon Harris denies the allegations of this paragraph.

2 14. Answering Paragraph 14 of Plaintiff's Complaint, this answering
3 Defendant Albert Leon Harris denies the allegations of this paragraph.

4 15. Answering Paragraph 15 of Plaintiff's Complaint, this answering
5 Defendant Albert Leon Harris denies the allegations of this paragraph.

6 16. Answering Paragraph 16 of Plaintiff's Complaint, this answering
7 Defendant Albert Leon Harris denies the allegations of this paragraph.

8 17. Answering Paragraph 17 of Plaintiff's Complaint, this answering
9 Defendant Albert Leon Harris denies the allegations of this paragraph.

10 **CONCLUDING ANSWER TO ALL ALLEGATIONS**

11 All allegations not specifically addressed above due to the nature of the language
12 and construction of the allegations, or for any other reason, are specifically denied.

13 **AFFIRMATIVE DEFENSES**

14 **FIRST:** That it has been necessary for this answering Defendant
15 Albert Leon Harris to employ the services of Bauman Loewe Witt & Maxwell, PLLC to
16 defend this action, and a reasonable sum should be allowed this answering Defendant
17 as and for attorney's fees, together with costs expended in this action.

18 **SECOND:** Defendant Albert Leon Harris alleges that the incident alleged
19 in the Complaint, and the alleged damages and injuries, if any, to Plaintiff were proximately
20 caused or contributed to by Plaintiff's own negligence and such negligence was greater
21 than any of the Defendants negligence.

22 **THIRD:** Defendant Albert Leon Harris alleges that at the time and
23 place alleged in the Complaint, Plaintiff did not exercise ordinary care, caution, or
24 prudence in the premises to avoid said accident and the resulting injuries, if any,
25 complained of were directly and proximately contributed to and caused by fault,
26 carelessness, and negligence of Plaintiff.

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1 FOURTH: Defendant Albert Leon Harris alleges that Plaintiff has failed,
2 in whole or in part, to mitigate his alleged damages.

3 FIFTH: Defendant Albert Leon Harris alleges that the allegations
4 contained in Plaintiff's Complaint fails to state a cause of action against Defendant upon
5 which relief can be granted.

6 SIXTH: Defendant Albert Leon Harris alleges that he has no fault in
7 the subject accident.

8 SEVENTH: Defendant Albert Leon Harris alleges that Plaintiffs cause of
9 action as set forth in the Complaint is barred by the Statute of Limitations as contained
10 in Chapter 11 of the Nevada Revised Statutes.

11 EIGHTH: Defendant Albert Leon Harris alleges that Defendants
12 actions were reasonable under the circumstances of the sudden emergency that they
13 faced.

14 NINTH: Defendant Albert Leon Harris alleges that the damages and
15 injuries sustained by Plaintiff; as alleged in his Complaint herein, if any, were the result
16 of an unavoidable accident.

17 TENTH: Pursuant to NRCP 11, as amended, all possible affirmative
18 defenses may not have been alleged herein insofar as sufficient facts were not available
19 after reasonable inquiry upon the filing of this answering Defendant Albert Leon Harris's
20 Answer, and therefore, this answering Defendant Albert Leon Harris reserves the right
21 to amend their Answer to allege additional Affirmative Defenses if subsequent
22 investigation so warrants.

23 WHEREFORE, this answering Defendant Albert Leon Harris hereby prays for
24 judgment as follows:

- 25 1. That Plaintiff take nothing by reason of the Complaint on file herein;
26 2. That this answering Defendant Albert Leon Harris be awarded reasonable
27 attorney's fees and costs for the defense of this matter;

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3. For such other and further relief as the Court deems just and proper.

Dated this 26th day of April 2019.

BAUMAN LOEWE WITT & MAXWELL, PLLC.

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